

LARRY THOMAS O'BRIEN, :  
 :  
 Plaintiff :  
 :  
 VS. :  
 :  
 WILSON PAULK, Clerk, Superior Court :  
 of Atkinson County, *et al.*, : NO. 7:11-cv-39 (HL)  
 :  
 Defendants : **ORDER**

frivolous under 28 U.S.C. § 1915A, and plaintiff was not under imminent danger of serious physical injury when he filed the instant lawsuit.

In plaintiff's "Motion to Reconsider" this Court's dismissal order, plaintiff raises entirely new allegations regarding an eye condition necessitating laser surgery and medication. The Court will not address whether such allegations meet the imminent danger exception, as they were not raised in his original complaint. If plaintiff wishes to complain about the denial of appropriate medical treatment for his eye condition, he should file a new lawsuit wherein he (1) provides specific factual allegations about the nature of his eye condition, (2) provides factual details that support his being in imminent danger, and (3) names the responsible defendants.

In his "Motion to Reconsider Change of Venue," plaintiff cites the venue statute, 28 U.S.C. § 1391(b), but makes no specific allegations as to why venue is improper in this Court. Most of the defendants reside in, and substantially all events about which plaintiff complains occurred in, Berrien County, which is located in the Middle District of Georgia. *See* 28 U.S.C. § 90(b)(6). Venue is therefore proper in this District.

Plaintiff further alleges in his venue motion that orders that he has received from this Court "have not been signed or stamped filed in clerk's office. This negligence will h[i]nder the appeal process." Plaintiff is advised that Rule 5(d)(3) of the Federal Rules of Civil Procedure allows electronic signatures for all electronically filed documents. This Court's April 4, 2011 dismissal order contains a valid electronic signature - the notation "/s/" above the undersigned's name.

In light of the foregoing, both motions to reconsider are hereby **DENIED**.

**SO ORDERED**, this 5<sup>th</sup> day of May, 2011.

*s/ Hugh Lawson*  
HUGH LAWSON  
UNITED STATES DISTRICT JUDGE

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